

Customer No. 28880

Confirmation No. 5347

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/828,419	<b>RECEIVED CENTRAL FAX CENTER</b>  JUL 19 2005
	Filing Date	April 20, 2004	
	First Named Inventor	Alfred Berchielli, et al	
	Art Unit	1614	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	10	Attorney Docket Number	PC25684A

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notice of Incomplete Nonprovisional Application Executed Oath and Declaration
Remarks Authorization to charge the fee and any additional fees as necessary or credit any overpayment to deposit account 23-0455 is hereby given.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Warner-Lambert Company, LLC	
Signature		
Printed name	Christine S. Lee	
Date	July 18, 2005	Reg. No. <del>33,869</del> 42,788

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Wanda Bland	Date July 18, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

USPTO Fax No. 571-273-8300

Customer No. 28880

Confirmation No. 5347

PTO/SB/17 (10-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL

for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**130.00**

## Complete if Known

Application Number 10/828,419  
Filing Date April 20, 2004  
First Named Inventor Alfred Berchielli, et al  
Examiner Name 1614  
Art Unit Not Yet Assigned  
Attorney Docket No. PC25684A

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CENTRAL FAX CENTER  
JUL 19 2005

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account:  
Deposit Account Number 23-0455  
Deposit Account Name Warner-Lambert Company LLC

The Director is authorized to: (check all that apply)  
☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) or any underpayment of fee(s)  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 650	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$) <b>0.00</b>

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  -20\*\* =  X  =   
Independent Claims  -3\*\* =  X  =   
Multiple Dependent  =

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue Independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) 07/28/2005 BBONNER 000000 17 230455 10828419

\*Reduced by Basic Filing Fee Paid 01 FEE SUBTOTAL (3) (\$)**130.00**

## SUBMITTED BY

Name (Print/Type) Christine S. Lee Registration No. 42,788 Telephone (734) 622-3487  
Signature *Christine S. Lee* Date July 18, 2005

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**RECEIVED**  
**CENTRAL FAX CENTER**

JUL 19 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/828,419 Confirmation No.: 5347  
Applicant: Alfred Berchielli, et al.  
Filed: April 20, 2004  
TC/AU: 1614  
Examiner: Not Yet Assigned  
Docket No.: PC25684A  
Customer No.: 28880  
Title: PHARMACEUTICAL COMPOSITIONS OF ATORVASTATIN

**Response to Notice of Incomplete Nonprovisional Application**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Incomplete Nonprovisional Application filed under 37 CFR 1.53(b), dated May 17, 2005, please find enclosed with this paper an Oath or Declaration which has been executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

The requirement of a submission of an Oath or Declaration of the inventor in compliance with 37 CFR 1.53(b) has been satisfied. Thus, all requirements for acceptance of the instant application under 37 CFR 1.53(b) have been met. Accordingly, Applicant respectfully requests acceptance of the above-identified application under 37 CFR 1.53(b).

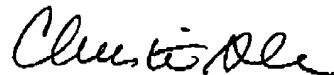
It was further alleged in the Notice of Incomplete Nonprovisional Application that "the application was deposited without drawings". Applicant will address this in a separate Petition to the Commissioner.

Authorization hereby is given to charge any fee which may be required, or credit any overpayment, to Deposit Account 23-0455.

Applicant respectfully requests examination of the application on the merits.

Respectfully submitted,

Dated: July 18, 2005



Christine S. Lee  
Registration No. 42,788  
Warner-Lambert Company LLC  
2800 Plymouth Road  
Ann Arbor, MI 48105  
Tel. (734) 622-3487  
Fax (734) 622-1553



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,419	04/20/2004	Alfred Berchielli	PC25684A

28880  
WARNER-LAMBERT COMPANY  
2800 PLYMOUTH RD  
ANN ARBOR, MI 48105

**CONFIRMATION NO. 5347**

## FORMALITIES LETTER

\*0000000016099332\*

**Date Mailed: 05/17/2005**

# NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

**FILED UNDER 37 CFR 1.53(b)**

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

**All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.**

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$400.00 petition fee (37 CFR 1.17(f)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*
- The oath or declaration is unsigned.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

***A copy of this notice MUST be returned with the reply.***

Page 2 of 2

*Lan*

Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

# Confirmation Report - Memory Send

Time : Jul-18-2005 11:07am  
Tel line : 7346222928  
Name : PATENT PFIZER ANN ARBOR MI

Job number : 713  
Date : Jul-18 11:01am  
To : 915712738300  
Document pages : 010  
Start time : Jul-18 11:01am  
End time : Jul-18 11:06am  
Pages sent : 010  
Status : OK

Job number : 713

\*\*\* SEND SUCCESSFUL \*\*\*

Customer No. 28880

Confirmation No. 3347

TRANSMITTAL FORM		ENCLOSURES (Check all that apply)	
<p>Under the Espionage Regulation Act of 1950, no person shall be permitted to transmit or cause to be transmitted information which it deems a valid RMR system number.</p> <p>Approved for use through 07/31/2005. OMS 0684.603</p> <p>U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE</p>		<p>Application Number: 10/828,419</p> <p>Filing Date: April 20, 2004</p> <p>First Named Inventor: Alfred Berchtelli, et al</p> <p>Attorney: 1614</p> <p>Examiner Name: Not Yet Assigned</p> <p>Attorney Pocket Number: PC25684A</p>	
<p>Total Number of Pages in This Submission: 10</p>			
<p><input checked="" type="checkbox"/> Fee Transmittal Form</p> <p><input type="checkbox"/> Fee Attached</p> <p><input type="checkbox"/> Amendment/Reply</p> <p><input type="checkbox"/> After Final</p> <p><input type="checkbox"/> Affidavits/Declaration(s)</p> <p><input type="checkbox"/> Extension of Time Request</p> <p><input type="checkbox"/> Express Abandonment Request</p> <p><input type="checkbox"/> Information Disclosure Statement</p> <p><input type="checkbox"/> Certified Copy of Priority Document(s)</p> <p><input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application</p> <p><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.63</p>		<p><input type="checkbox"/> Drawing(s)</p> <p><input type="checkbox"/> Unpublished-related Papers</p> <p><input type="checkbox"/> Petition</p> <p><input type="checkbox"/> Petition to Convert to a Provisional Application</p> <p><input type="checkbox"/> Power of Attorney, Revocation</p> <p><input type="checkbox"/> Change of Correspondence Address</p> <p><input type="checkbox"/> Terminal Disclaimer</p> <p><input type="checkbox"/> Request for Refund</p> <p><input type="checkbox"/> CD, Number of CD(s)</p> <p><input type="checkbox"/> Landscape Table on CD</p> <p><input type="checkbox"/> Request</p> <p>Authorization to charge the fee and any additional fees as necessary or credit any overpayment to deposit account 23-0455 is hereby given.</p>	
<p><input type="checkbox"/> After Allowance Communication to TC</p> <p><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences</p> <p><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)</p> <p><input type="checkbox"/> Proprietary Information</p> <p><input type="checkbox"/> Status Letter</p> <p><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)</p> <p>Copy of Notice of Incomplete Nonprovisional Application Executed Oath and Declaration</p>			
<p><b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b></p> <p>Firm Name: Warner-Lambert Company, LLC</p> <p>Signature: <i>Christine S. Lee</i></p> <p>Printed name: Christine S. Lee</p> <p>Date: July 18, 2005</p> <p>Reg. No. 23-0455 42,728</p>			

CERTIFICATE OF TRANSMISSION/MAILING	
<p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22315-1460 on the date shown below:</p>	
Signature: <i>Wanda Bland</i>	Date: July 18, 2005
Typed or printed name: Wanda Bland	Date: July 18, 2005

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to the (and by the USPTO as success) an application. Confidentiality is governed by 39 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is assigned to 3 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending upon the individual case. Any contributions on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22315-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. E-mail to: [compliance@uspto.gov](mailto:compliance@uspto.gov) or Patents, P.O. Box 1460, Alexandria, VA 22315-1460.

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USPTO Fax No. 571-273-8300